

## VICTOR BYERS FLATT

**Coleman P. Burke Chair in Environmental Law and Associate Director, Coleman P. Burke Center for Environmental Law**  
Case Western University School of Law  
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## EMPLOYMENT

### Current

#### CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

Coleman P. Burke Chair in Environmental Law and Associate Director of the Coleman P. Burke Center for Environmental Law July 2023- present  
(*Environmental Law, Torts, Law Legislation and Regulation, and Environmental Governance and the Private Sector*)

Case Western Reserve University Media Relations MVP award (2024)

### Academic Institutions-Tenured and Tenure Track

**UNIVERSITY OF HOUSTON LAW CENTER** July 2017-July 2023  
**Dwight Olds Chair in Law**  
**Faculty Co-Director, Environment, Energy, and Natural Resources (EENR) Center**  
(*Environmental Law, Torts, Environmental Governance and the Private Sector, Practice of Environmental Markets, Regulatory Environment for Energy Business, Interagency Environmental Cooperation*)  
2019-2020 Professor of the Year, Part Time Program (2020)  
University of Houston 50 in 5 National High Impact Publications and Creative Activities Recognition (2020)  
University of Houston 50 in 5 National High Impact Publications and Creative Activities Recognition (2022)

**UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW** July 2009-July 2017  
**Tom and Elizabeth Taft Distinguished Professor of Environmental Law**  
**Co-Director**, Center for Climate, Energy, Environment, and Economics (CE3) (**Director** from 2009-2016); **Co-Director**, North Carolina Coastal Resources Law Planning and Policy Center; Taft Distinguished Visiting Professor of Environmental Law, Fall 2008  
(*Environmental Law, Natural Resources, Torts, Environmental Markets and Carbon Trading, Energy Law, International Environmental Climate Change Law, Interagency Environmental Cooperation; Regulatory Environment for Energy Business (at UH GEMI, mini-course, available on line UNC)*)

**UNIVERSITY OF HOUSTON LAW CENTER** July 2002-July 2009  
**A.L. O'Quinn Chair in Environmental Law**

**Director**, Center for Environment, Energy, and Natural Resources Law, 2007-2009

**Associate Dean for Academic Affairs**, 2006

*(Environmental Law, Natural Resources Law, Torts, International Environmental Climate Change Law, Interagency Environmental Cooperation, Carbon Trading)*

**GEORGIA STATE UNIVERSITY COLLEGE OF LAW** July 1995-July 2002

Associate Professor of Law, 1995-1997

Professor of Law, 1997-2002

*(Environmental Law, Natural Resources Law, Torts, Law of Hazardous Waste, Administrative Law)*

**UNIVERSITY OF WASHINGTON GRADUATE SCHOOL OF PUBLIC AFFAIRS** June 1993- July 1995

Acting Assistant Professor, 1993-94; Assistant Professor, 1994-95,

*(Law and Public Policy; Environmental Law and Policy, Quantitative Methods, Sexual Orientation and Public Policy)*

1993-1994 Teaching Excellence Award

## **UNIVERSITY AND COLLEGE FACULTY SERVICE**

**Case Western University** – Law School Curriculum Committee (2023-present); Law School Appeals and Rules Committee; SJD advisor;

**University of Houston** – Chair, Graduate Legal Education Committee (2017-present); UHLC Diversity and Inclusion Committee (2019-present); UHLC Ad hoc Committee on Diversity in Faculty Recruitment (2019-present); UHLC Executive Committee (2018-2020); University of Houston Energy Initiative; University of Houston Energy Fellow (2018-present); University of Houston Energy Whitepaper editor (2018-present); Honor Board Faculty Justice (2021-2022); Faculty Advisor, OUTLAW; Faculty Advisor, University of Houston Energy, Environment, and Natural Resources Student Organization.

**University of North Carolina** – Chair, Faculty Recruitment Committee (2015-16; member 2016-17); Law School Academic Affairs Committee (2009-2011; 2014-2015); University Faculty Grievance Committee (2010-2013); Law School Appointments Committee (2010-2012); Lambda Law Students Advisor (2009-2015); Environmental Law Students Advisor (2009-2017); School of Planning Masters Program Thesis Advisor (2012-15), Operations Committee, Keenan-Flagler Institute for Sustainability (2014-2017); National Environmental Law Pace Moot Court Competition coach (2009-2015).

**University of Houston** (2002-2009)- University Homeland Security Research Coordinator; University Environmental Cross-disciplinary Work Group; Environmental & Energy Law & Policy Journal, faculty editor; Environmental Law Society advisor; OUTLAW advisor; Chair, faculty recruitment committee (2003-04); Law School Self-Study committee.

**Georgia State University** - University Senate; University Benefits Committee, University re-accreditation comm., Law School Admissions Committee, Law School Curriculum Committee; Environmental Law Society Advisor.

**Academic Institutions  
Visiting, Summer, Honorary, and Courtesy Appointments**

**GWU LAW SCHOOL** Spring 2022

Visiting Professor of Law  
(*Administrative Law, Legislation and Regulation*)

**VERMONT LAW SCHOOL** July 2019-2023

Visiting Professor (*Environmental Law and the Private Sector*)

**ELISABETH HAUB PACE SCHOOL OF LAW** Sept. 2019

Elisabeth Haub Distinguished Environmental Visiting Scholar

**LEWIS & CLARK LAW SCHOOL** July 2018

Visiting Professor (*Administrative Law*)

**UNIVERSITY OF HOUSTON BAUER COLLEGE OF BUSINESS,  
GUTIERREZ ENERGY MANAGEMENT INSTITUTE** July 2009-present  
Distinguished Scholar in Carbon Markets and Carbon Trading (special scholar appt)  
(*Carbon Trading; Regulatory Environment for Energy Business*)

**UNIVERSITY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW**

Visiting Professor of Law (*Torts and Legal Writing, Environmental Markets, International Env.Law*)

2013-14

**DELAWARE LAW SCHOOL OF WIDENER UNIVERSITY DISTINGUISHED  
VISITING SCHOLAR ENVIRONMENTAL CONSTITUTIONALISM**

April 2017

**UNIVERSITY OF VERMONT DISTINGUISHED ENVIRONMENTAL  
SCHOLAR** July 2013

**ENVIRONMENTAL LAW INSTITUTE VISITING SCHOLAR**

Work on climate change adaptation, energy and climate change Fall 2011

**SEATTLE UNIVERSITY SCHOOL OF LAW**

Visiting Professor, (*Alaska Natives and Environmental Law – focus on climate change and offshore oil resources*), Summer in Alaska program, (with the University of Alaska Anchorage), July 2005, 2007-2010

Visiting Professor ( <i>Administrative Law, Environmental Law</i> ), 2007	Fall 2001, Spring
<b>ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW</b> Distinguished Visiting Professor of Law/Marine Affairs ( <i>Environmental Law, Property, Constitutional Law, Interagency Environmental Cooperation</i> )	July 2004-July 2005
<b>UNIVERSITY OF GEORGIA SCHOOL OF LAW</b> Visiting Professor ( <i>Administrative Law</i> )	Spring 2002
<b>UNIVERSITY OF WASHINGTON SCHOOL OF LAW</b> Visiting Professor ( <i>Administrative Law</i> )	Summers 2000-2003
<b>UNIVERSITY OF WASHINGTON GRADUATE SCHOOL OF PUBLIC AFFAIRS AND LAW SCHOOL</b> (joint appointment) Visiting Professor ( <i>Administrative Law</i> )	Summers 1997-1999

#### **OTHER LEGAL EMPLOYMENT**

<b>THE HONORABLE DANNY BOGGS, U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT</b> Law Clerk	Aug.1988- Aug. 1989
<b>THE HONORABLE FAYE C. KENNEDY, WASHINGTON STATE COURT OF APPEALS, DIVISION I</b> Attorney, Law Clerk	Dec. 1990-June1993
<b>HILLIS CLARK MARTIN &amp; PETERSON</b> Associate Attorney	Aug. 1989-Dec.1990

#### **EDUCATION**

<b>NORTHWESTERN UNIVERSITY SCHOOL OF LAW</b> <u>J.D., Cum Laude</u> Order of the Coif John Henry Wigmore Scholar (Full Academic Scholarship) Dean's List (all semesters) National Lesbian and Gay Law Students Association, Co-founder and former director Miner Moot Court Board Northwestern Law Lesbian and Gay Alliance, co-chair Alumni Relations Committee, chair Research assistant for Professor Ken Abbott	1985-1988
<b>VANDERBILT UNIVERSITY</b> <u>B.A., Chemistry and Mathematics, Magna Cum Laude</u>	1981-1985

Phi Beta Kappa  
Harold Stirling Vanderbilt Scholar (Full Academic Scholarship)  
Honors Research Program (Organometallic Chemistry)  
Mortar Board (service and academic honorary)  
Omicron Delta Kappa (leadership honorary)  
Phi Lambda Upsilon (lifetime chemistry honorary)  
Mathematics Club, vice-president  
Lotus Eaters (sophomore academic honorary), president  
Vanderbilt University Concert Choir, treasurer  
Varsity College Bowl  
Vanderbilt University Theatre

## **PUBLICATIONS (books and chapters)**

Legal Protection of the Environment (with Johnston) (Fifth Edition 2024).

Energy Law and Policy in a Climate-Constrained World (with Nzaou-Kongo and Lopez de la Osa Escribano) (Westphalia Press 2022).

Legal Protection of the Environment (with Johnston, Funk) (Fourth Edition 2018)

*Smart Regulation To Enhance Wealth Creation & Sustainable Capitalism*, (with Inara Scott) in Sustainable Capitalism: A Contradiction in Terms or Essential Work for the Anthropocene? (Inara Scott, ed.) (University of Utah press, 2024).

*Technology Wags the Law: How Technological Solutions Changed the Perception of Environmental Harm and Law*, in Oxford Handbook on the Law and Regulation of Technology, Roger Brownsword, Eloise Scotford and Karen Yeung (eds), (Oxford University Press 2017).

*Market Based Control Strategies* in Environmental Decision Making (Leroy C. Paddock, Robert L. Glicksman, & Nicholas S. Bryner, eds.) (Edward Elgar Encyclopedia in Law series 2016).

*Problems With Long Term Recovery in Disaster Response: The Role of Non-Profits*, in Disaster and Socio-legal Studies, (Quid Pro Quo Books 2013, with Jeffrey Stys)

*Domestic Disaster Preparedness and Response* in Climate Change Adaptation (Gerrard and Kuh, eds., ABA 2012)

*Federal Climate Change Legislation*, in Climate Change Reader (Rodgers, ed., 2012)

Legal Protection of the Environment (with Johnston, Funk) (Third Ed. 2010)

Legal Protection of the Environment (with Johnston, Funk) (Second ed. 2007)

*Reforming The Clean Air Act*, in CPR for the Environment: Breathing New Life into the Nation's Major Environmental Statutes (Flournoy, Shudtz, eds. 2007)

Legal Protection of the Environment (with Johnston, Funk) (Thomson/West 2005)

The Control of Air Toxics: Toxicology Motivation and Houston Implications (with Clements, Fraser, Hamilton, Ledvina, Mathur, Tamhane, and Ward); section 3.2 et seq. (regulation in other states and implications for Texas and Houston laws); downloadable at [http://www.envirohealthhouston.org/Files/AIRTOXICS\\_RPT\\_20061001.pdf](http://www.envirohealthhouston.org/Files/AIRTOXICS_RPT_20061001.pdf)  
Or <http://greenhoustontx.gov/reports/controlofairtoxics.pdf>

## PUBLICATIONS (Journal)

Do the Wrong Thing: How Attorney Facilitation of Anti-Environment, Social, and Governance Policies May Violate Attorney Ethics, 2026 Mich. St. L. Rev. \_\_\_\_ (forthcoming 2026)

Climate Change and Human Rights, 49 Can.-U.S.L.J. 96 (2025) (with Hould, Savage, Balsanek)

The New NEPA? A Case Study in Congressional Frustration, 75 Case W. Rsrv. L. Rev. 93 (2024)

“Attorney Responsibility for Climate Change?” Environmental Law Institute, Environmental Forum, Sidebar, November 2024

Rotting Under the Bridge – How False Data is Polluting Administrative Rulemaking, 48 Columbia Journal of Environmental Law (2023, with Nicholas Bryner).

The Myth of state Surface Water Regulation– The 50 year flaw of the Federal Water Pollution Control Act Jurisdictional Debate, 52 Environmental Law 331 (2023).

The Evolution of the “Waters of the United States” and the Role of Economics, Review of Environmental Economics, Vol. 16, Issue 1 (2022, with D. A. Keiser, S. M. Olmstead, K. J. Boyle, B. Keeler, D. J. Phaneuf, J. S. Shapiro, J. Shimshack).

Climate Changes Property: Disaster, Decommodification, and Retreat, 81 Ohio State Law J. 331 (Vol. 3, 2021, with Michael Pappas)

Holding Polluters Accountable in Times of Climate and COVID risk: The Problems with “Emergency” Enforcement Orders, 12 San Diego J. of Climate & Energy L. 1 (2021) (part of symposium on **Climate Risk and Resilience: Lessons from COVID-19**)  
**(Honorable Mention by the Environmental Law Institute and Vanderbilt University**

**Law School for 2021 Environmental Law and Policy Annual Review as one of the most significant environmental law policy articles of 2021: 52 ELR 10660 (2022))**

A Water Rule That Turns A Blind Eye to Transboundary Pollution, Science, Vol. 372, Issue 6539, 241 (April 16, 2021, with D. A. Keiser, S. M. Olmstead, K. J. Boyle, B. Keeler, D. J. Phaneuf, J. S. Shapiro, J. Shimshack)

Disclosing the Danger: Climate Change Meets Attorney Ethics, 2020 Utah L. Rev. 569 (2020) (Selected as best works of legal scholarship in JOTWELL: Things we like a lot, 2022, at [Is Climate Change Really a Lawyer Regulation Issue? - Legal Profession \(jotwell.com\)](http://Is Climate Change Really a Lawyer Regulation Issue? - Legal Profession (jotwell.com)))

Climate Change Common Law Nuisance Suits: A Legal Efficiency Analysis, 49 Env't. L. 683 (2019) (with Richard Zerbe).

Will the Means Justify the End of Environmental Law? Environmental Law Must Undergo Reasoned Legislative Debate, 9 Ariz. J. of Envt'l. L. & Pol'y. 125 (Vol. 3, 2019).

The Costs of Creating Environmental Markets: A Commodification Primer, 9 U.C. Irvine L. Rev. 731 (2019; with Michael Pappas) (**selected as a finalist for the Best Land Use and Environmental Law articles of the year – 2019**).

Unsettled: How Climate Change Challenges a Foundation of Our Legal System, and Adapting the Legal State, 2016 BYU L. Rev. 1397 (Vol. 5 2017).

Restating Environmental Law, 40 Colum. J. Envtl. L. 1(Spring 2015) (excerpted and republished in Environmental Law Institute's Environmental Forum, *Time for a Restatement*, Spring 2015) (with Hester, Mintz, Percival, and Russell).

C(r)ap and Trade: The Brave New World of Non-Point Source Nutrient Trading and Using Lessons From Greenhouse Gas Markets to Make it Work, 52 Hou. L. Rev. 301 (2014).

From DNA to PVC: The Everything Policy of Climate Change, 4 Wake F. J. L & Pol'y (foreword to symposium on Climate Change, 2014).

Not One Without the Other: The Challenge of Integrating U.S. Environment, Energy, Climate, and Economic Policy, 44 Envtl. L. 1079 (Vol. 4 2014) (with Heather Payne).

Curtailment First: Why Climate Change and the Energy Industry Suggest a New Allocation Paradigm is Needed for Water Utilized in Hydraulic Fracturing, 48 Rich. L. Rev. 829 (Spring 2014) (with Heather Payne)

Focus and Fund: Executing Our Way to a Climate Change Adaptation Plan, 32 Va. J. Envt'l. L. 157, Volume 2 (Summer 2014) (from the symposium *The Promise and Limits of Presidential Action on Climate Change*)

Too Big to Jail or Too Remote (or Rich) to Care, 72 Maryland L. Rev. 1345 (2013) (from the symposium *Too Big to Fail*) (**selected as a finalist for the Best Land Use and Environmental Law articles of the year – 2013**).

Frozen in Time: The Ossification of Environmental Statutory Change and the Theatre of the Administrative Absurd, 24 Fordham Envt'l. L. R. 125 (2013) (from symposium on *The Next Twenty Years of Environmental Law*).

More than Winners and Losers: The Importance of Moving Climate and Environmental Policy Debate Toward a More Transparent Process, 97 Minn. L. Rev. Headnotes 26 (2013).

Clearing Some Worldwide Haze: Daniel Bodansky's The Art and Craft of International Environmental Law, 10 Santa Clara J. Int'l L. 221 (2013).

Adapting Laws for a Changing World – A Systemic Approach to Climate Change Adaptation, 64 Fla. L. Rev. 269 (special issue on climate change with Heinzerling, Ruhl, Markell, Krakoff, and Owens - Winter 2012).

Climate Change Adaptation: The Impact of Law in the Private Sector, (with Yee Huang), white paper from the Center for Law Environment Adaptation and Resources, and the Center for Progressive Reform, August 2012, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2120083](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2120083)

Adaptation, Legal Resiliency, and the U.S. Army Corps of Engineers: Managing Water Supply in a Climate-Altered World, with Jeremy M. Tarr, 89 N.C. Law. Rev. 1499 (Issue 6, 2011) in *symposium on Adaptation and Legal Resiliency*.

“Offsetting” Crisis? – Climate Change Cap and Trade Need Not Contribute to Another Financial Meltdown, 39 Pepperdine Law Rev. 619 (2012).

The “Worst Case” May be the Best – Rethinking NEPA Law to Avoid Future Environmental Disasters, 6 J. Env & Energy L. & Pol'y Rev. 181 (2012) in *symposium on Coping with Environmental Disaster*.

Adapting Energy and Environmental Policy for Climate Change, 11 Vermont Journal of Envt'l L. 655 (Vol. 4, Summer, 2010) in *symposium on Surviving and Thriving in the Face of Climate Change* (lead article)

Environmental Enforcement in Dire Straits-“There is No Protection for Nothing and No Data for Free,” (with Paul M. Collins, Jr.) 85 Notre Dame L. Rev. 55 (Issue 1, November 2009) (**Selected by the Environmental Law Institute and Vanderbilt University Law**

**Review as one of the 4 most significant environmental law articles of 2009; summarized with commentary in symposium, April 15, 2011, and reprinted in Environmental Law and Policy Annual Review; reprinted in Enforcement of Environmental Law, Ludwig Kramer, Arthus Institute, eds., 2015)**

The History of State Action in the Environmental Realm: A Presumption Against Preemption in Climate Change Law?, for *Preemption in Climate Change*, 2009 symposium, 1 San Diego J. Climate & Energy L. 63 (2010)

Paving the Legal Path for Carbon Sequestration, 19 Duke Envtl. L. & Pol'y J. 211, in *Symposium on Environmental Advice for the New Administration* (Summer 2009)

Act Locally, Affect Globally: Why Local Government is the Best Arena for Engagement and Work with the Private Sector to Control Environmental Harms, in *Symposium on Greening the Corporation*, 2007 symposium issue, 35 Boston Coll. Envtl. Aff. L. Rev 455 (2008); (**Selected as a finalist for inclusion as one of the best land use and environmental law articles of the year in Journal of Land use and Environmental Law 2009**)

The Climate for Climate Change Legislation, 102 Nw. U.L. Rev., 102 Nw. U. L. Rev. Colloquy (2007-08) (reprinted in Carlson, et al., Environmental Law)

Gasping for Breath: The Administrative Flaws of Federal Hazardous Air Pollution Regulation, 34 Ecology Law Quarterly 107 (Spring 2007) (**Reprinted as one of the ten best environmental or land use law articles of the year in the Journal of Land Use and Environmental Law 2008**)

The “Benefits” of Non-Delegation: Using the Non-delegation doctrine to bring Rigor to Benefit-Cost Analysis, 15 William & Mary Bill of Rights Journal 1087 (Spring 2007) (lead article, Vol. 4) (reprinted in Zerbe, Research in Law and Economics, Vol. 23, Elsevier Ltd 2007).

Let Us Drink Our Fill, 17 Yale Journal of Law and Humanities (May 2006) *in symposium article, The Properties of Carol Rose*, Yale Law School, November, 2005.

What is the Best Formula to Protect the Environment in Electricity Restructuring?, 1 U. H. Env. & Energy Law & Policy Journal 221 (Spring 2006), *in symposium on Energy and the Environment*.

This Land is Your Land: Our Right to the Environment, 107 W. Va. L. Rev. 1 (Vol. 1), (October 2004), lead article, featured article. (**Selected as a finalist for inclusion as one of the best land use and environmental law articles of the year in Journal of Land use and Environmental Law 2005**).

Spare the Rod and Spoil the Law: Why the Clean Water Act has Never Grown Up, 55 Ala. L. Rev. 595 (2004) *in symposium on The Clean Water Act at Thirty*.

Let the People Speak: Notice and Comment-Rulemaking (Lessons from the Controversial New Source Review Proposal of the Clean Air Act), 34 Environmental Law Review (ELR) 10115 (with O'Hear, Verchick, et al.) (2004).

The Enron Story and Environmental Policy, 33 Environmental Law Review (ELR), 10485 (2003), reprinted, in *Enron: Corporate Fiascos and Legal Implications* (Rapoport and Dharan, eds. Foundation press, 2003).

Notice and Comments for Nonprofits, 55 Rutgers Univ. L. Rev. 65 (Vol. 1 2003).

When Torts is More Than a Series of Accidents: Epstein on Torts, 26 Seattle Univ. L. Rev. (2001) *in symposium on Torts Textbooks*.

"He Should at His Peril Keep It There": How the Common Law Tells us That Risk Based Corrective Action is Wrong, 76 Notre Dame L. Rev. (Vol. 2, 2001) (lead article) (**Selected as a finalist for inclusion as one of the best land use and environmental law articles of the year in Journal of Land use and Environmental Law 2002**); reprinted in "Specialty Law Digest-Environmental Law 2002"

Saving the Lost Sheep (Bringing Environmental Values Back Into the Fold with a New EPA Decision Making Paradigm), 74 Washington Law Review No.1 (1999) (lead article) (excerpted in Risk Analysis Anthology, 2006, McGarity, Shapiro, eds.)

A Dirty River Runs Through It (The Failure of Enforcement in the Clean Water Act), 25 Boston College Environmental Affairs Law Review (Silver Anniversary Edition), p.1(Vol. 1, Fall 1997) (**Reprinted as one of the ten best environmental or land use law articles of 1998 in the Journal of Land Use and Environmental Law 1998**)

The Effects of State and Local Antidiscrimination Policies for Sexual Orientation, 17 Journal of Policy Analysis and Management, No. 4 (Fall 1998)(co-authored with Marieka Klawitter)

Environmental Contraction for America? (Or How I stopped Worrying and Learned to Love the EPA), 29 Loyola of Los Angeles Law Review, p. 585 (Vol. 2, Jan. 1996)

The Human Environment of the Mind: Correcting NEPA Implementation by Treating Environmental Philosophy and Environmental Risk Allocation as Environmental Values Under NEPA, 46 Hastings Law Journal, p. 85 (Fall 1994) (**Selected as a finalist for inclusion as one of the best land use and environmental law articles of the year in Journal of Land use and Environmental Law, 1995 (Selected as Law Review Nugget, in ABA Natural Resource and Environmental Law Journal, Winter 1996)**

Should the Circle Be Unbroken: A Review of "Breaking the Vicious Circle," by the Honorable Stephen Breyer, 24 Environmental Law, p. 1707 (Fall 1994)

A Brazen Proposal: Using Zoning and Eminent Domain to Increase the Lower Income Housing Stock, 5 Stanford Law and Policy Review, No. 2, Page 115 (Spring 1994)  
(Reprinted at 1995 Zoning and Planning Law Handbook)

OSHA Regulation of Low Exposure Carcinogens: A New Approach to Judicial Analysis of Scientific Evidence, 14 University of Puget Sound Law Review, p. 283 (Winter 1991)

## PUBLICATIONS (MEDIA)

“State AGs Attacking ESG Are Flirting with Ethics Violations,” in Bloomberg Insight, October 24, 2025, at <https://news.bloomberglaw.com/legal-exchange-insights-and-commentary/state-ag-attacking-esg-are-flirting-with-ethics-violations>

“Ethics and the Profession,” in ABA Section on Environment, Energy, and Resources (“SEER”), Year in Review (forthcoming May 2024).

“Ethics and the Profession,” in ABA Section on Environment, Energy and Resources (“SEER”), Year in Review (May 2023).

“SEC Climate Change Rules Will have Most Impact on Energy Markets in 2023”, Bloomberg Law Insight, January 6, 2023, at [SEC Climate Change Rules Will Have Most Impact on Energy Markets \(bloomberglaw.com\)](https://bloomberglaw.com/sec-climate-change-rules-will-have-most-impact-on-energy-markets).

“Enron at Twenty, Lessons Learned,” Bloomberg Radio, Dec. 27, 2021.

“Enron's Collapse 20 Years Later--Lessons Not Learned,” Bloomberg Law Insight, Dec. 27, 2021, at [Enron's Collapse 20 Years Later—Lessons Not Learned \(bloomberglaw.com\)](https://bloomberglaw.com/enrons-collapse-20-years-later-lessons-not-learned); elevated to International Byline by Bloomberg London.

“Disclosing Danger: Attorney Ethics Rules Meet Climate Change,” Bloomberg Law Insight, Sept. 16, 2020, at <https://news.bloomberglaw.com/us-law-week/insight-disclosing-danger-attorney-ethics-rules-meet-climate-change>

“Pandemic Spawns Dangerous Relaxation of Environmental Regulations,” The Revelator op-ed, Sept. 14, 2020 (with Joel Mintz), at <https://therevelator.org/pandemic-environmental-regulations/>; republished Sept. 16, 2020, at In These Times, at <https://inthesetimes.com/article/epa-pandemic-environmental-pollution-regulation-enforcement-rollback>

“Federal Carbon Pricing is Closer Than You Think,” Forbes, UH Energy Blog, Sept. 26, 2019, at <https://www.forbes.com/sites/uhenergy/2019/09/26/federal-carbon-pricing-is-closer-than-you-think/#5288fb2056a8>

“Enforce Environmental Laws Before There is a Fire,” Houston Chronicle op-ed, April 7, 2019.

“With Tweak, Green New Deal Climate Goal Could be Good for Houston and the Oil Industry,” Houston Chronicle op-ed, March 3, 2019.

“What Will Protect Houston’s Air from Trump’s EPA,” Houston Chronicle *Gray Matters*, August 27, 2018.

“Burying Our Head in the Sand on Climate Change No Longer an Option,” Houston Chronicle op-ed, September 29, 2017 (with Rob Verchick).

“Trump Can Order but Federal Judges Will Decide on Climate Rules,” Raleigh News and Observer op-ed, April 2, 2017.

“Environmental Law Protects Us All,” Charlotte Observer op-ed, Jan. 28, 2017.

“Chief of UNC Center on the Environment: Duke Energy Money Won’t Influence Us,” Charlotte Observer op-ed, March 31, 2016.

“Preparing for a Sustainable Future,” Raleigh News and Observer op-ed, March 30, 2016.

“Threat Goes Beyond Gene Nichol,” Charlotte Observer op-ed, Feb. 22, 2015 (with Ryke Longest).

“Pollution Trading Could Help Clean Up Water,” Houston Chronicle op-ed, Dec. 6, 2014 at B7.

“EPA Enforcement Retreat,” op-ed, the Hill, Jan. 10, 2014 (with Joel Mintz).

“It’s Time to Focus Attention on Protecting the Environment,” Houston Chronicle op-ed, October 13, 2013 (with Catherine Philips).

“Keeping Nature Clean Comes with a Cost,” Charlotte Observer op-ed, October 6, 2013 (with Catherine Philips).

“Federal Regulations Protect Our Communities,” Houston Chronicle op-ed, April 22, 2013.

“Why Marriage Amendment Would Hurt Business,” Winston-Salem Journal op-ed, September 9, 2011.

“What if Drilling Goes Really Wrong?” Raleigh News and Observer op-ed, July 6, 2010.

“Did One Week Change Energy Fortunes Forever?” Houston Chronicle op-ed, May 9, 2010; reprinted Houston Chronicle, May 11, 2010.

“Warming Woes and the World’s Women,” Raleigh News and Observer op-ed, Dec. 7, 2009 (with Professor Donna Surge).

“Importance of Waxman-Markey Climate Bill,” Atlanta Journal Constitution op-ed, May, 2009 (with Professor Bill Buzbee)

“Climate Bill Good First Step in Long Arduous Trip,” Houston Chronicle op-ed, April 25, 2009 (with Professor Bill Buzbee)

“Palin’s Energy Experience not Kind We Need,” Houston Chronicle, op-ed, September 7, 2008

“Energy Policy: Environment Merits Attention,” Houston Chronicle, op-ed, February 2008

“Air Toxics in Houston,” Houston Chronicle op-ed, February 2007.

“EPA Should Just Say No to Extension,” Houston Chronicle, op-ed, December 2006.

“The U.S. Constitution and Gay Marriage,” Web streaming video, broadcast, for U.S. Constitution Day for the University of Houston, 2005, 2006, 2007, 2008, 2009, 2010, at <http://www.uh.edu/constitutionday/lectures.html>.

“Warming to Houston as Leader on the Environment,” Houston Chronicle, op-ed, April 21, 2006.

“Separate But Equal Now Part of Gay Marriage Debate,” Salt Lake City Tribune, op-ed, May 16, 2004.

“EPA Lawlessness will Hurt Industry Too,” Houston Chronicle, op-ed, October 27, 2003.

“Group Call for De-Legalization of Marriage,” interview, Fox News Special Report, October 9, 2003.

“Bush De-Regulation of the Environment,” Houston Chronicle, op-ed, April 13, 2003.

“U.S. Supreme Court Should Reverse Texas Sodomy Law,” Houston Chronicle, op-ed, December 2002.

“Environmental Deregulation Could Cause Problems,” Atlanta Journal Constitution, op-ed, April 2002.

“Flatt Out Environmental,” blog, Houston Chronicle, 2008-present,  
<http://fuelfix.com/blog/voices/flatt-out-environmental/>

Center for Progressive Reform Blog Contributor, 2007-present,  
<http://www.progressivereform.org/CPRBlog.cfm>

Diversity, Discrimination, Affirmative Action, and the Gay/ Lesbian Experience, 49 Washington State Bar News, No. 8, p. 21 (August 1995)

## **PUBLICATIONS (white papers and policy briefs)**

*Report on the repeal of the Clean Water Rule and its replacement with the Navigable Waters Protection Rule to define Waters of the United States (WOTUS) (External Environmental Economics Advisory Committee (E-EEAC), 2020; (with D. A. Keiser, S. M. Olmstead, K. J. Boyle, V. Flatt, B. Keeler, D. J. Phaneuf, J. S. Shapiro, J. Shimshack) at [669644\\_5aa4f5f0493a4902a3aaed117bd92aef.pdf \(filesusr.com\)](https://filesusr.com/669644_5aa4f5f0493a4902a3aaed117bd92aef.pdf)*

*Governance Mechanisms and the Climate Crisis*, in *Climate Energy Justice: The Policy Path to a Just Transition for an Energy Hungry America*, Center for Progressive Reform (2020) (with Dan Farber, Joel Mintz, Alice Kaswan, and Joseph Tomain), at [Climate, Energy, Justice \(cpr-assets.s3.amazonaws.com\)](https://cpr-assets.s3.amazonaws.com)

*From Surviving to Thriving*, Center for Progressive Reform (2018) (Flatt, Flournoy, and Sokol, eds.)

*Federal Pricing of Carbon Analysis – A Snapshot from February 2018* (2018)

*Federal Parameters on State Distributed Generation* (2017) (co-authored with Heather Payne)

*Climate Change Risk Information Disclosure, Insurance, the Private Sector and the Role of Government* (2015)

*Climate Change Adaptation: The Impact of Law in the Private Sector* (2012) (co-authored with Yee Huang)

## **FUNDED GRANT PARTICIPATION as principal or co-principal**

*Waters of the United States Rulemaking, Economic Analysis*, External Advisory Committee (sponsored by the Sloan Foundation, 2020)

*Global Fellowship Application: NGOs and Transition Governance in Law* Cooperating Universities: University of Lyon 3, University of Houston (sponsored by the European Union 2019-2022)

*Advancing Understanding of Risk: Increasing Accuracy of Hazard Damage Assessment Tools by Improving Base Data and Analyzing Opportunities and Barriers for Use in Adaptation Planning*,

Other principal investigators: Shana Jones, Lisa Schiavinato; J. Scott Pippin, Kristin Dow (North Carolina, Georgia, South Carolina, Florida, and national Seagrant offices 2016-18)

*Social Vulnerability of Coastal Communities*  
Principal Investigator: Lisa Schiavinato, NC Seagrant (2013-2015)

*Implementing Offset Policy Options for Greenhouse Gases in EPA Regulation* (Research Triangle Institute, The Nicholas Institute for the Environment, Center for Law, Environment, Adaptation and Resources-UNC Law), principal investigator: George Van Houtven (2010-2011)

*Assessing Long Term Disaster Recovery Planning Capacity at the State Level* (University of North Carolina, Department of Homeland Security Center of Excellence, Center for Law, Environment, Adaptation, and Resources-UNC Law), principal investigator: Gavin Smith (2010-2011)

*Policy Options for Operation of Kerr Lake, North Carolina* (University of North Carolina), principal investigator: Richard Whisnant (2008-09)

*Houston Air Toxics and Policy Responses*, (with Rice University, Baylor Medical Center, Texas Medical Branch- Galveston, Texas Southern University, and the University of Houston), principal investigator: Dr. Matt Fraser (2006-07)

## **SELECTED PUBLIC PRESENTATIONS**

“Administrative Law and the Supreme Court,” Case Western Reserve University Public Affairs Discussion Group, October 24, 2025, Cleveland, OH.

“Do the Wrong Thing: Attorney Ethics and Anti-Environment, Social, and Governance Policies,” at the Loyola Chicago Environmental Law Scholarship Colloquium, Utica, IL, October 16, 2025.

“Rescinding Reality: The Future of the 2009 Endangerment Finding,” Burke Center for Environmental Law and Law for Environment, Animals, and Food (LEAF), Case Western University, Cleveland, OH, October 8, 2025.

“Legal Ethics and Climate Change,” Law Students for Climate Accountability Annual Meeting, Berkeley, CA, August 8, 2025 (presented remotely).

“The New NEPA: An Exercise in Congressional Frustration?,” University of Houston Law Center, Faculty Colloquium, Houston, TX, February 10, 2025.

“Teaching Climate in First Year Courses,” AALS Annual Conference, Environmental Law Program, San Francisco, January 9, 2025.

“Climate Disclosure Litigation: Examining Legal Battles Against California and the SEC,” Regulatory Transparency Project and the Federalist Society, Webinar, October 16, 2024.

“The Loper-Bright Ruling: A Revolution in Federal Administration?” Case Western Reserve University Public Affairs Discussion Group, September 13, 2024, Cleveland, OH

“Climate Change and Attorney Ethical Responsibilities,” Northwestern University Law School Climate Change Colloquium, April 2, 2024, Chicago, IL.

“The SEC Climate Disclosure Rule: What Does it Mean for Attorney’s Ethical Responsibilities,” part of 2023 Iowa Environmental Law Seminar, University of Iowa College of Law, November 16, 2023, Iowa City, IA.

“Legal Ethics and Climate Change” in *Clean Air Act and Climate Change*, International Seminar CLE, October 26, 2023, Seattle, WA.

“Legal Ethics and DEI for the Section on Environment, Energy, and Resources,” ABA SEER Fall Meeting, Oct. 13, 2023, Washington D.C.

“Feeling the Heat: Climate Change Meets Legal Ethics,” Plenary, American Bar Association Ethics Section 2023, Annual Meeting, June 1, 2023, New Orleans, LA.

“American Energy and Climate Policy,” Great Lakes Institute Presentation to the Turkmenistan Energy Delegation, Cleveland International Association, May 8, 2023, Cleveland, OH.

“The Evolving Role of Citizen Lawyers: In an Environmental Crisis, Is it Time for a New Take on the (Old) Rules of Professional Conduct?” in ABA SEER 52<sup>nd</sup> Spring Conference on Environmental Law, Denver, CO, April 28, 2023.

“Risks to the Energy Supply: Climate Impacts,” in 7<sup>th</sup> annual North American Environment, Energy, and Natural Resources Conference, Houston, TX, April 27, 2023.

“Rotting under the Bridge – How False Data is Polluting Administrative Rulemaking,” in “How Do We Know? Evidence in Environmental and Administrative Law,” Columbia Journal of Environmental Law 2023 symposium, New York, NY, April 4, 2023.

“Attorney Ethics meets Climate Change,” Northwestern University Climate Colloquium, Chicago, IL, March 30, 2023.

“Corporate Accountability and the East Palestine Train Derailment,” Case Western Law and Political Economy Society,” March 28, 2023.

“The ESG Explosion and the Law,” keynote, Houston Area Law Librarians Annual Meeting, “The Future of ESG,” Houston, TX, March 23, 2023.

“ESG: Framing and Political Backlash,” The Ohio State University Law symposium on Conscious Capitalism, Columbus, OH, March 9, 2023.

“ESG: What Does it Mean,” Case Western Reserve University, Public Affairs Discussion Group, Cleveland, OH, February 23, 2023.

“Introduction to ESG,” Rice University Environmental Studies (panel discussion with Lisa Jackson), Houston, TX, Feb. 7, 2023.

“The SEC Climate Disclosure Rule: What Will Happen and What Does It Mean for Environmental and Energy Attorneys,” Houston Bar Association Environmental Section, January 12, 2023, virtual.

“Our Plastic Problem and How to Solve It,” commenter, Wake Forest University Law School, virtual webinar, Nov. 1, 2022.

“Legal Ethics and Climate Change,” in panel *Shifting Sands – What Is An “Ethical” Lawyer in the 21st Century?*, International Legal Regulators Conference, Chicago, IL, October 27, 2022.

“The Myth of state Surface Water Regulation– The 50 year flaw of the Federal Water Pollution Control Act Jurisdictional Debate,” part of the *Clean Water Act at 50* symposium, Lewis & Clark Law School, virtual, April 8, 2022.

“The Regulatory and Policy Issues in Getting to Net Zero in 2050,” keynote speaker, Gutierrez Energy Management Institute, UH Bauer College of Business, via Zoom, March 3, 2022.

“The Growing Storm: The Ethics of Representing Clients in Matters Impacting Climate Change,” panelist, American Bar Association Continuing Legal Education, national webinar, Feb. 28, 2022.

“Decarbonizing Smart Cities: Takeaways from the Clean Air Act: Using the SIP Process,” part of “Environmental Law at Fifty,” University of Florida Levin College of Law, 28<sup>th</sup> Annual Public Interest Law Conference, via Zoom, Feb. 11, 2022.

“Disclosing the Danger: Attorney Ethics Meet Climate Change,” GWU Law School Environmental and Energy Law Group Program, via Zoom, Feb. 9, 2022.

“Disclosing the Danger: Attorney Ethics Meet Climate Change,” Northwestern University Law School Climate Change Colloquium, via Zoom, Feb. 2, 2022.

“Legal Aspects of Carbon Capture and Utilization,” Guest speaker, Economides Petroleum Engineering course, Houston, via Zoom, Feb. 1, 2022.

“Disclosing the Danger: Legal Ethics Meet Climate Change,” New Mexico Bar Association Annual Meeting, Albuquerque, NM, December 17, 2021.

“Evolving Climate Policy,” Baker Institute Climate Policy Event Student Forum, Houston, TX, November 2, 2021.

“Carbon Management and Legal Issues,” CCUS special lecture, University of Houston Carbon Management Center, October 18, 2021.

“The Role of Private Governance in the Energy Transition in the United States,” Aberdeen University Centre for Energy Law Energy Webinar Seminar Series, Oct. 13, 2021.

“Writing Public Comments: Getting Science on the Record,” Union of Concerned Scientists National Webinar, Sept. 23, 2021.

“Air Pollution” and “Climate Change Litigation” in *Environmental Law for Judges*, National Judicial College Training Program, Napa, CA, August 22-24, 2021.

“Looking Under the Hood: Administrative Law Must Examine Scientific and Economic Evidence in Challenging Federal Administrative Rulemaking,” Southern Environmental Law Scholars Annual Works in Progress, virtual, July 15, 2021.

“Environmental Justice in the Wake of a Disaster: Dissecting the Connection Between Minority Communities and Disasters Through a Legal Lens,” Defense Research Institute annual webinar, June 17, 2021.

“Burning Down the House: the Role of Lawyer Regulators in addressing Climate Change for Domestic and International Legal Services,” International Bar Association, Bar Issues Commission Regulation Committee, London based international webinar, June 14, 2021.

“Climate Change and the Biden Administration” part of Environmental Law in the Biden Administration, Rocky Mountain Mineral Law Foundation Natural Resources Law Teacher Conference, June 3, 2021, virtual.

“Energy Transition in a Post COVID World,” Moderator, Transition in Energy Law and Governance Project, UH EENR Center, May 25, 2021, virtual.

“NEPA decisions rein in GHG Expansion in Energy Infrastructure Buildout,” 6<sup>th</sup> Annual SRP Sustainability Conference of American Legal Educators, Arizona State University, virtual, May 14, 2021.

“Looking Under the Administrative Hood: Effective Legal Review of Administrative Actions Requires Reviewing Underlying Economic & Scientific Data,” S. Texas College of Law faculty workshop, virtual, April 23, 2021

“The Legal aspects of Energy, Social and Governance (ESG) Mechanisms,” UH Bauer ESG Certification program, virtual, March 22, 2021.

“Environmental Law and Securities Law: An Introduction,” AALS Annual meeting, Joint section of Environmental Law and Securities Law, Virtual, Jan. 7, 2021.

The Legality of the Trump CEQ’s NEPA rulemaking,” Houston Bar Association’s Environment and Energy Law Sections’ meeting. Virtual, Oct. 20, 2020.

“Holding Polluters Accountable in Times of Climate and COVID Risk: The Problems with Emergency Enforcement,” 12 Annual Lesley K. McAllister Energy and Environment Program, University of San Diego Law School Virtual Webinar, Nov. 13, 2020.

“LGBTQ+ Rights and The Lawyers that Made it Happen,” Moderator, UH OUTLAW and UH Diversity and Inclusion Committee Webinar, Nov. 10, 2020 (webinar)

“Trump NEPA Rulemaking and Legal Challenges,” Houston Environment and Energy Bar Association Featured Presentation, October 15, 2020 (webinar)

“Toxic Floodwaters Webinar: Protecting Communities and their Water Resources from Extreme Weather and Chemical Disaster,” Center for Progressive Reform, September 24, 2020, International webinar.

“Disclosure Exposure: Exploring GHG Disclosure and Attorney Ethics Rules (ELI Master Class),” Environmental Law Institute, Sept. 15, 2020, International webinar.

“Disclosing the Danger, Attorney Ethics and Climate Change,” University of Missouri Kansas City Law School, Sept. 4, 2020, online.

“The New Energy Landscape: COVID-19, Climate Change and Diversification,” 4<sup>th</sup> annual North American Environment, Energy, and Natural Resources Conference, UH EENR, August 18, 2020, International webinar.

Transitioning First Year Classes to Online, Southeastern Association of Law Schools, July 31, 2020, online.

“Disclosing the Danger,” Mercer Law School online forum, February 2020.

“Climate Change and Attorney Ethics,” Panel, Climate Disruption and Decarbonization Conference, American Bar Association Section on Environment, Energy, and Natural Resources, February 19, 2020, White Plains, NY.

“Climate Change Property: Disaster, Deocommodification, and Retreat,” American Association of Law Schools Annual Conference, January 4, 2020, Washington D.C.

“Climate Change and its Impact on Houston: Legal and Policy Drivers,” Stanford Alumni, November 11, 2019, Houston, TX.

“Offshore Wind, LNG, and Renewable Energy,” Blank Rome Energy Update, November 7, 2019, Pittsburgh, PA.

“Attorney Ethical Responsibilities and the Energy Sector,” Chevron Environmental and Safety Law Meeting, October 18, 2019, New Orleans, LA.

“Disclosing the Danger: Climate Change Meets Attorney Ethics Laws,” University of Virginia Law School, October 2, 2019, Charlottesville, VA.

“Disclosing the Danger: Climate Change Meets Attorney Ethics Laws,” Pace Law School, September 13, 2019, White Plains, NY.

“Disclosing the Danger: Climate Change Meets Attorney Ethics Laws,” Vermont Law School Hot Topics Series, July 14, 2019, South Royalton, Vermont.

“Disclosing the Danger: Climate Change and Attorney Ethics Laws,” University of New South Wales Faculty of Law, Research Paper Presentation Series, June 18, 2019, Sydney, AU.

“Climate Change Law and Regulatory Impacts on the Energy Industry,” Global Association of Risk Professionals (GARP) national webinar, April 18, 2019.

“Disclosing the Danger: Climate Change Meets Attorney Ethics Laws,” Houston Bar Association Environment and Energy Section, April 17, 2019, Houston, TX.

“Climate Change Nuisance Lawsuits: A Legal Efficiency Analysis,” Bill Funk Festschrift, Lewis and Clark Law School, Portland, OR, April 5, 2019.

“Climate Change and Energy Law,” Houston Federal Bar Association, March 21, 2019, Houston, TX.

“Carbon Pricing in the U.S. and Around the World,” Citizens Climate Council, Southeastern Division, Houston, TX, Feb. 9, 2019.

“What Ends Should We Be Aiming For,” University of Arizona Death of Environmental Law Symposium, Jan. 19, 2019.

“Retreat from the Coasts,” AALS Open Source Program, New Orleans, LA, Jan. 5, 2019.

“Environmental Climate and Disaster Justice,” American Association of Law Schools Program for Environmental Law, Minority Groups and State and Local Government Law, New Orleans, LA, Jan. 3, 2019.

“International Trade, Technology, and Energy,” Blank Rome Energy Update, November 8, 2018, Pittsburgh, PA.

“Insuring Survival: Using the Insurance Industry to Mitigate and Adapt to Climate Change,” Vermont Law Review Symposium on Climate and the Private Sector, Vermont Law School, South Royalton, VT., September 2018.

“The Costs of Creating Environmental Markets: A Commodification Primer,” Society for Environmental Law and Economics, Chicago, IL., June 2018.

“The Impact of Trump Administration Climate Policies and Public Perception of Natural Gas and Fracking – from the local to the international to the courts,” 2<sup>nd</sup> North American Environment, Energy, and Natural Resources Conference, University of Houston Law Center/University of Calgary Faculty of Law, Houston, TX., May 2018.

“The New Administration on the World Stage – Climate,” ABA Environmental, Energy, and Resources Law, 47<sup>th</sup> Spring Conference, Orlando, FL., April 20, 2018.

“The Future of Solar Energy,” 23<sup>rd</sup> Annual Tulane Environmental Law Conference, New Orleans, LA., March 9, 2018.

“Carbon Tax v. Cap & Trade,” International Fiscal Association Annual Meeting, Houston, TX, Feb. 23, 2018.

“New Voices in Administrative Law,” Commentator, AALS 2018

“Hurricanes Harvey, Irma, Maria, and Nate: Environmental and Economic Justice Implications of Climate Change,” ABA national Webinar, ABA Section of Civil Rights and Social Justice, Nov. 8, 2017.

“Pipelines and Tribes: Conflicts and Issues,” American Constitution Society, EENR Center, Houston Environmental Energy Law Students presentation. Houston, TX, Nov. 7, 2017.

“Ethics of Environmental Professionals,” Texas Association of Environmental Professionals annual meeting, Houston, TX, Oct. 19, 2017.

“Going Off the Grid,” UH Energy Speaker Series, Houston, TX, Sept. 22, 2017.

“Climate Change and the Ethical Responsibility of Attorneys,” Texas Environmental Superconference, Texas State Bar Environmental and Natural Resources Law Section, Austin, TX, Aug. 4, 2017.

“Environment, Energy and Climate Policy Background for Carbon Capture,” Carbon Management Technology Conference, Houston, TX, July 19, 2017.

“Federal Energy Policy’s Impact on Energy Business,” Greater Houston Partnership Energy Council Meeting, Houston, TX, July 18, 2017.

“Climate Change and the Ethical Responsibility of Attorneys,” Houston Environmental Bar Association Meeting, Houston, TX, April 19, 2017.

“Trends in Renewable Energy,” Bauer College Energy Club, Houston, TX, April 18, 2017.

“Does the Clean Air Act Protect Public Health?” High Point University Spring Seminar Series, High Point NC, April 11, 2017.

“Unsettled: Climate Change Alters the Legal Landscape,” Distinguished Scholar Presentation, Delaware Law School, Wilmington, DE April 5, 2017.

“The Impact of the Trump Election on International Climate Change Policy,” UNC Climate Change Forum, Chapel Hill, NC, March 31, 2017.

“What Happened to North Carolina?: The Rule of Law and the Role of Lawyers,” Vanderbilt University, Nashville, TN, March 21, 2017.

“Trends in Energy and Climate Policy,” North Carolina Clean Tech Summit, Chapel Hill, NC, March 2, 2017.

“EIAs May be the Biggest Climate Change Initiative of All,” keynote address, First North American Symposium on Energy and Climate, University of Houston/ University of Calgary, Houston, TX, Feb. 23, 2017.

“Environmental and Climate Law in the New Administration,” Festival of Legal Learning, Chapel Hill, NC, Feb. 10, 2017.

“The Ethics of Climate Change Law,” Parr Center for Ethics, Chapel Hill, NC, October 28, 2016.

“Unsettled: How Climate Change Alters our Legal Landscape,” Houston, TX, September 21, 2016.

“Climate Change Law and Policy,” Association of Climate Change Officers (ACCO) Boot Camp, Alexandria, VA, July 20, 2016.

“The Law and Policy of Financing Solar Energy, Overview,” CE3, UNC Law Center for Banking and Finance, and UNC School of Government Environmental Finance Center, April 22, 2016.

“The Paris Agreement and Climate Change”, UNC Institute for the Environment Panel, Chapel Hill NC, April 11, 2016.

“Nutrient Trading in the Chesapeake Bay,” part of the “College Park Scholars Present,” University of Maryland, College Park, MD, April 7, 2016.

“Texas and the Clean Power Plan,” University of Houston, Houston, TX, March 9, 2016.

“Unsettled: How Climate Change Disrupts our Legal System,” Environmental Scholars Series, Northwestern University School of Law, Chicago, IL, March 3, 2016.

“The Impact of Environmental Regulation on the Energy Business,” Lecture Series, University of Houston Global Energy Management Institute, Houston TX, Jan.-Feb. 2016.

“Law and Climate Change Adaptation,” Disaster and Resilience Law, UNC Department of Planning, Chapel Hill, NC, Feb. 11, 2016.

“An Overview of the Legal and Policy Issues related to Sea Level Rise,” at “Rising Seas Conference,” Association of Climate Change Officers, Boston, MA, November 3, 2015.

Discussant, “Health and Environment,” in Fifth Annual American Society of International Law research Forum, Washington, D.C., Oct. 24, 2015.

“Climate Change - the Road to Paris,” UNC Climate Change Symposium keynote, Chapel Hill, NC, April 10, 2015.

“Environmental Regulations and the Energy Supply Value Chain,” part of “The Energy Supply Value Chain” program, University of Houston, Bauer College of Business, Houston, TX, March 11, 2015.

“Future Trends on States from the EPA Clean Power Plan,” part of Harvard Duke scholars gathering on the EPA Clean Power Plan, Washington, DC, Feb. 16, 2015.

“The Legal Options for Climate Change Adaptation,” University of Richmond School of Law, Richmond, VA, Feb. 3, 2015.

“Technology Wags the Law: How Technological Solutions Changed the Perception of Environmental Harm and Law,” North Carolina Faculty Workshop Series, Chapel Hill, NC, Oct. 31, 2014.

“The Impact of EPA Greenhouse Gas Rules on North Carolina,” CLEAR and Institute for the Environment, Chapel Hill, NC, Sept. 19, 2014.

“US International Relations and Climate Change,” Dunlevie Lecture, North Carolina Honors Program, Chapel Hill, NC, August 2014.

“Using Existing Legal Tools to Spur Climate Change Adaptation Policy,” Searle Center and Law School, Northwestern University, July 2014.

“The Impact of Technological Solutions on Environmental Law and Policy,” on Environmental Law and Technology Panel at the Conference on Regulatory Governance, Barcelona, June 2014.

“Should the Rules Be Changed,” at the American Association for the Advancement of Science conference, “Climate Change and Resiliency,” Washington, D.C., June 6, 2014.

“The Endangered Species Act Under Siege,” at the National Environmental Law Professors Luncheon at the National Environmental Law Moot Court Competition, Pace School of Law, Feb. 21, 2014, White Plains, NY.

“Non-point Source Pollution and Cap and Trade,” Maryland Environmental Law Society, Feb. 11, 2014, Baltimore, MD.

“The Inevitability of Cap and Trade for Climate Change Mitigation Policy,” at *New Directions in Energy, Climate Change, and Sea-level Rise*, Center for Progressive Reform and Nova Southeastern School of Law, Feb. 7, 2014, Ft. Lauderdale, FL.

“This Little Piggy’s Waste Goes to Market: the Brave New World of non-point Source Pollution Trading,” University of Maryland Francis King Carey School of Law Faculty Workshop, Nov. 14, 2013, Baltimore, MD.

“Using Law as the Framework for Climate Change Adaptation,” Vermont Law School Hot Topics Lecture, Distinguished Summer Scholar Lecture, July 18, 2013, South Royalton, VT.

“Business Risks and Opportunities in the Climate Regulatory Market,” at Executive Forum on climate, National Oceanic and Atmospheric Administration (NOAA) AND National Climactic Data center (NCDC), June 5, 2013, Asheville, NC.

“This Little Piggy’s Waste Goes to Market,” keynote at North Carolina Water Symposium on Nutrient Trading in North Carolina, March 2013, Raleigh, NC.

“The Clean Water Act and Future of Energy Regulation,” at the Festival of Legal Learning, UNC, February 9, 2013, Chapel Hill, NC

“Environmental Disasters,” at National Council for Science and the Environment, 2013 Conference, January 16, 2013, Washington, D.C.

“The Connections between Tort and Environmental Law”, Tort Section program, American Association of Law Schools Conference, January 6, 2013, New Orleans, LA

“American Bar Association National Teleconference on Hurricane Sandy and Environmental Impacts,” November 14, 2012, virtual.

“The Politics and Policies of Climate Change and Sea Level Rise,” Duke Environmental Alliance, November 13, 2012, Durham, NC.

“International Funding for Climate Change Adaptation in Developing Countries,” at *InterCLIMA*, October 31, 2012, Lima, Peru.

“Clean Water Act Programs without Statutory Changes,” in *Clean Water Act at 40*, Harvard University Law School and the Natural Resources Defense Council, October 12, 2012, Cambridge, MA.

“Too Remote to Care: What has happened to Environmental Enforcement?” as part of *Too Big to Jail*, Ward Kershaw Symposium, University of Maryland Law School, Baltimore, MD, October 5, 2012.

“Removing Legal Barriers to Low Impact Energy Deployment: A Practical Approach,” at Rio+20, FGV, June 18, 2012, Rio de Janeiro, Brazil.

“Climate Change Adaptation, Law and Sustainability,” at Rio+20, People’s Summit, June 15, 2012, Rio de Janeiro, Brazil.

“Climate Change Adaptation” in “Sustainable Energy and Climate Change”, at Rio+20, Mondiale de Juristes Summit, June 16, 2012, Rio de Janeiro, Brazil.

“Climate Change Adaptation and Disaster” in “Torts Disaster Law and the Environment,” at American Association of Law School mid-year meeting, Berkeley, CA, May, 2012.

“Mercury and Air Toxics” in Clearing the Air: Mercury and the Environment Symposium, University of Richmond Law School, March 27, 2012, Richmond, VA.

“Weather ready, Climate Change Adaptation, and the Law, “ Keynote, concurrent technical session National Oceanic and Atmospheric Administration and Florida A & M University, Sixth Education and Science Forum, March 26, 2012, Tallahassee, FL.

“The Federal Government and Climate Change Adaptation,” Environmental Law Institute Seminar, Dec. 1, 2011, Washington D.C. and teleconference.

“Accountable Nutrient Trading,” in CPR’s Accountability for the Chesapeake, Moderator, October 21, 2011, University of Maryland School of Law, Baltimore, MD.

“The Role of Non-profits in Disaster Response and Climate Change Adaptation,” for Socio-legal Studies and Disaster, July 22, 2011, Onati, Spain

“Environmental Enforcement in Dire Straits,” Environmental Law Institute’s Environmental Law and Policy Annual Review, Russell Senate Building, April 15, 2011, Washington, D.C.

“NEPA and the Gulf Oil Spill,” University of Houston Environment & Energy Law & Policy Journal 2011 symposium *Environmental Disaster and the Law*, February 17, 2011, Houston, TX

“Impact of the Gulf Oil Spill and Environmental Law,” ALI-ABA Annual Environmental Law Review CLE, Feb, 2, 2011, Washington, D.C.

“The Oil Spill and NEPA,” AALS Hot Topics Panel, AALS Annual Meeting, January 7, 2011.

“Practice and Theory of Carbon Trading,” organizer and speaker, North Carolina Bar Association Environmental Law Section, CLE, forthcoming, December 3, 2010.

“Ethics of the Environment,” Parr Center for Ethics, Public Lecture, Chapel Hill, NC, November 10, 2010.

“Developments in Climate Change and Common Law,” ABA National Teleconference, November 11, 2010.

“Legal Implications of the Gulf Oil Spill,” UNC Alumni “Think Fast” Public Lecture, Chapel Hill, NC, September 15, 2010.

“Climate Change Law for the Public Lawyer,” University of North Carolina School of Government, Public Law for the Public Lawyer, Raleigh, NC, September 23, 2010.

“Is the Climate Right for Carbon Trading,” University of North Carolina Alumni Meeting, Washington, D.C., Kilpatrick Stockton, May 2010.

“Beyond Copenhagen,” Chapman University, April 23, 2010, Santa Ana, CA.

“The Clean Air Act at 40: History of New Source Review,” Lewis and Clark Law School and Oregon Law Institute, April 22, 2010, Portland, OR.

“Energy Policy and Regulatory Landscape at the Global Innovations in Energy: How Business is Addressing Climate Change,” April 21, 2010, Keenan-Flagler, UNC, Chapel Hill, NC.

“Surviving and Thriving: Adaptation and Climate Change Mitigation,” **keynote address**, Vermont Law School symposium, March 28, 2010, South Royalton, VT.

“Energy Opportunities and Climate Change Legal Uncertainty,” Global Energy Management Institute, April 5, 2010, Houston, TX.

“Climate Change Adaptation and Aboriginal Cultures,” National Environmental Law Society Annual Meeting, New Orleans, LA, March 2010.

“Eyewitnesses to Copenhagen,” UNC Global Fed-Ex Center Public Lecture, January 19, 2010, Chapel Hill, NC.

“Comprehensive Federal Climate Change Legislation and Effects on States,” Legislative Commission on Global Climate Change, North Carolina State Senate, November 17, 2009.

“Comprehensive Federal Climate Change Legislation and International Effects,” University of Houston College of Engineering Speaker Series, November 13, 2009.

“Comprehensive Federal Climate Change Legislation and Effects on States,” Environmental Review Commission, North Carolina State Senate, November 12, 2009.

“Carbon Trading under Federal Law,” University of North Carolina Institute for the Environment Board of Directors Meeting, October 2009

“Getting Real with Cap and Trade,” University of Houston, Bauer College of Business, Global Energy Management Institute, July 20, 2009.

“Carbon Counting,” May 14, 2009, Houston, TX.

“Climate Change Legislation and Opportunities for Texas,” Texas EDF annual meeting, March 5, 2009, Houston; Greater Houston Partnership Meeting, March 10, 2009, Houston.

“Should the Federal Government Pre-empt in Climate Change Legislation?” First annual Climate and Energy Law Symposium, San Diego Energy and Climate Review, San Diego, CA, February 20, 2009.

“Environmental Ethics: An Academic Perspective,” Houston Bar Association Environmental Law Section, February 10, 2009.

“Overruled: Lawrence v. Texas,” University of North Carolina School of Law, February 9, 2009.

“Developments in Climate Change and Environmental Law,” North Carolina Festival of Legal Learning, Chapel Hill, NC, February 7, 2009.

“The Benefits of Early Action on Climate Change (at Texas Changing Economic Climate)”, sponsored by EDF and British Consulate, Texas Capitol, Austin, TX, January 30, 2009.

“The Future Environmental Agenda: Environmental Law and Policy Questions Facing the Next Administration,” Duke Environmental Law & Policy Forum, symposium, Durham, NC, October 24, 2008

“Houston’s Air: What We Know,” Rice University Shell Center for Sustainability, October 17, 2008.

“U.S. Climate Change Legislation: If, When, and What,” University College of London, Environmental Institute Public Lecture Series, London, U.K., October 13, 2008.

“Environmental Questions Moving Forward,” Texas State Bar Environmental Superconference, Austin, TX, August 7, 2008 (with McGarity).

“Federal Climate Change Protection and Washington State Initiatives,” Washington State Bar Association Environmental and Land Use Law Section Mid-Year Keynote, Semiahmoo, WA, May 2008.

“The Present and Future of CO2 Trading at the University of Houston,” Bauer College of Business, Global Energy Management Institute, symposium on non-traditional trading, March 11, 2008.

“The Current State of U.S. Climate Change Legislation,” Environmental & Energy Law & Policy Journal, symposium, Feb. 11, 2008.

“Climate Change Legislation, a Preview,” U.H. Law Center, Center for Environment, Energy, and Natural Resources Law, Jan. 29, 2008.

“Reforming Hazardous Air Pollutant Controls,” University of North Carolina School of Law, Nov. 1, 2007.

“The Economics and Politics of Energy: University of Houston Future Studies Series”, University of Houston, Oct. 30, 2007.

“Act Locally, Affect Globally,” Boston College Environmental Affairs Law Review Symposium, October 25, 2007.

“Environmental Regulation and the Future,” American Constitution Society Lecture Series, Houston, TX, Sept. 20, 2007.

“Renewable Energy Regulations and New Climate Change Legislation,” Houston Bar Association, Environmental Law Section, Sept. 12, 2007.

“New Source Review under the Clean Air Act,” 2007 Southeastern Association of Law Schools Meeting, Amelia Island, Florida, August 2, 2007.

“U.S. Climate Change Legislation: What and When,” Seattle University Department of Biology and Seattle University School of Law program, March 2007.

“Climate Change Legislation in the U.S.,” International Carbon Trading Conference, Houston, TX, January 2007 (via video/audio link).

“Prospective Climate Change Legislation,” International Association of Energy Economists, Houston, TX, October 2006.

“How to Solve Urban Air Toxics Problem,” Georgia State University School of Public Policy and College of Law Urban Environment Speaker Series, November 2006, Atlanta, GA.

“Federal Regulation of Air Toxics: What We Can Learn From the States,” University of Arizona, Rogers College of Law, Faculty Enrichment Forum, October 2006, Tucson, AZ.

“Using the Non-delegation Doctrine to Bring Rigor to Benefit-Cost Analysis,” paper presented at the University of Washington’s Economic and Legal Conference on Benefit-Cost Analysis, May 17, 2006, Talaris Center, Seattle, WA.

“Graduation and the Challenges of Moral and Ethical Thought,” presentation, University of Houston Law Center graduation, May 12, 2006.

“Public Perceptions and Attitudes on Climate Change,” Moderator and presenter, Joint US/UK Conference on Climate Change, London, U.K., April 4, 2006.

“Law School Exam Grading and Preparation for Class,” presentation and discussion, Houston Bar Association Joint Faculty Meeting, Thurgood Marshall School of Law, April 2006.

“Rumsfeld v. FAIR and the UHLC response,” OUTLAW presentation, University of Houston Law Center, April 2006.

“Rethinking Federal Air Toxics Regulation,” Presentation and Discussion, Seattle University School of Law, Feb. 27, 2006.

“Military Recruitment on College Campuses (Rumsfeld v. FAIR),” Stonewall Bar Association, CLE, January 2006.

“Environmental and Natural Resource Lessons from Water Use,” presentation and discussion, Yale Law School, *The Properties of Carol Rose* symposium, November 2005.

“The U.S. Constitution and Gay Marriage,” Web streaming video, for U.S. Constitution Day for the University of Houston, September 2005-September 2008: accessed at [www.uh.edu/admin/media/constitutionday](http://www.uh.edu/admin/media/constitutionday)

“The Problems and Challenges of Ozone Control in the Clean Air Act,” Presentation, in *Houston Air Quality, A Historical Perspective*, Shell Center for Sustainability of Rice University, February 25, 2005.

“Empirical Research in Environmental Law,” Presentation, University of Houston Law Center Colloquium, February 17, 2005

“Public/Private Partnerships,” presentation and work group, in Climate Change, Extreme Events, and Coastal Cities, Shell Center for Sustainability at Rice University, February 24, 2005.

“Lawrence v. Texas: How Lambda Legal Changed the World,” Presentation, Feinstein Institute for Public Interest Law, Roger Williams University School of Law, November, 2004.

“Brown v. Board of Education at 50: Separate But Equal and Gay Marriage,” Presentation and Discussion, Houston Bar Association Joint Faculty Meeting, University of Houston Law Center, April 2004.

“Our Right to The Environment,” Presentation, University of Utah, S.J. Quinney School of Law, faculty presentation, April 2004.

“The New Source Review Proposal of the Clean Air Act,” Presentation, Houston Environmental Bar Association, January 2004.

“Lawrence v. Texas and its Implications,” Presentation, Alternative Family Law Day, University of Houston and Stonewall Bar Association, November 2003.

“Risk Based Corrective Action,” Presentation, International Society of Toxicologists, Austin, TX, November 2003.

“Anti-Discrimination Policies and the Atlanta Human Rights Ordinance,” Presentation, University of Tennessee College of Law, April 2002.

“Valuing Environmental Risk Allocation and Philosophy,” Presentation, Red Clay Conference, University of Georgia School of Law, April 2002.

“Anti-Discrimination Policies and the Atlanta Human Rights Ordinance,” Presentation, University of Georgia School of Law, February 2002.

“The Klamath Irrigation District and The Endangered Species Act,” Presentation, Seattle University School of Law, Seattle, WA, November 2001.

“Recruiting Beyond Your Comfort Zone,” Presentation, Law School Admissions Council Annual Meeting, Phoenix, AZ, June 2001.

“Recruiting GLBT students to law school,” Presentation, Law School Admissions Council Annual Meeting, Vancouver, BC, June 2000.

“Bringing the Practical into the Classroom.” Presentation, Institute for Law School Teaching, 6th annual conference, *Fresh Looks at Teaching and Learning Law*, June 11, 1999, Spokane, WA.

Environmental Law week long mini-course for the U.S. Army Corps of Engineers, member of Environmental Partners teaching team, Cincinnati, Portland Or., Annapolis, MD, and Huntsville, Al., Summer, 1998 and 1999.

“A Dirty River Runs Through It (The Failure of Enforcement in the Clean Water Act),” Paper and Presentation, Association of American Law Schools, Annual Meeting, Washington, DC, January, 1997

“Anti-discrimination Laws and Earnings of Same-Sex Couples,” Paper and Presentation, Association of Public Policy and Management Conference, Annual Meeting, Chicago, IL, October 1994

“The Valuation of Environmental Risk Allocation and Environmental Philosophy Under NEPA,” Paper and Presentation, The Western Economic Conference in Vancouver, B.C., June-July 1994

“The Ethics of an Environmental Audit.” Presentation, Red Clay Conference, University of Georgia Law School, Athens, GA, April 1997

"The Need for ENDA." Presentation, Georgia State University College of Law, Atlanta, GA, October 1996.

"The U.S. Constitution & Sexual Orientation." Panel Discussion, Georgia State University College of Law, Atlanta, GA, April 1996.

"Public Decisionmaking and the Snoqualmie Falls Hydroelectric Project Issue: Native American Sacred Site or Renewable Energy Resource," moderator, Snoqualmie Falls, WA, February 1995.

"American Administrative Law and Public Policy." Lecture, Hyogo Prefecture, Japan, Management Program; Seattle, WA, August 1994.

"Scientific Uncertainty and Global Warming." Lecture and Panel Discussion, Sea-Grant Conference on the Environment, July 1994

"Putting EPA Into a Current Context." Lecture and Panel Discussion, EPA Region X Management Retreat, May 1994; Region X in-house Training, August 1994.

"Gay and Lesbian Careers: Trends in the Workplace." Lecture and Panel Discussion, University of Washington School of Business, May 1994

"Valuation of Environmental Philosophy." Lecture, University of Washington School of Law, April 1994.

"Government Use of Economics in the Environment." Guest Lecture, University of Washington GSPA, April 1994.

"Application of Administrative Law to the Provision of Public Services." Guest Lecture, University of Washington GSPA, February 1994.

"The Growth Management Act and Environmental Law in Washington." Lecture, University of Washington, Institute for Environmental Studies, December 1993, November 1994.

"A Brazen Proposal." Lecture, Fall Faculty Colloquium Series, University of Washington, November 1993.

"Environmental Law for the Non-Environmental Attorney." Continuing Legal Education moderator and featured speaker, sponsored by Washington State Bar Association, Seattle, Washington, September 1993.

"The Effects of 'Outing' on Sexual Orientation Equal Protection Analysis." Lecture, University of Washington School of Law, May 1991.

## COMMUNITY AND LEGAL SERVICE AND MEMBERSHIPS

Member, AALS Natural Resources Committee, 2018-present

Member, AALS Environmental Law Committee, 2018-present

Member, Steering Committee, Integrity in Science Working Group, Union of Concerned Scientists, 2017- present

Association of Climate Change Officers, Governance sub-committee, 2015-2017

Academic member, American Bar Association Section on Environment, Energy, and Natural Resources Committee on Congressional Relations, 2013-present.

European Consortium for Political Research (Administrative Law) invited membership, 2015-present.

Member of *amici* law professors, *North Carolina Coastal Federation et al. v. North Carolina Department of Environment and Natural Resources* (2015).

Member of *amici* law professors' petition for Supreme Court certiorari, *North Carolina v. TVA* (settlement reached in May 2011).

Member of *amici* law professors, *North Carolina v. TVA* (4<sup>th</sup> Circuit 2010).

Attorney of record for Congressional *amici* Clinton, Boxer, Kerry, Jeffords, Leahy, Lautenberg, in *New York v. EPA*, 443 F.3d 880 (D.C. Cir. 2006).

Washington State Bar (inactive), 1989- present

Sixth Circuit Bar, 1989-present

District of Columbia Bar, 2006-present

American Law Institute, 2003-present

Center for Progressive Reform Member Scholar, 2003-present

University of Houston Blaffer Art Gallery, Advisory Board, 2006-2009

American Association of Law Schools (AALS) Teaching Methods Section Board and Officer 2002-2009, Chair 2006-07

Law School Admissions Council (LSAC) Test Development and Research Committee, 2003-05

LSAC Gay, Bisexual, and Transgendered Sub-Committee, 2000-05

Lambda Legal Defense and Education Fund, National Board of Directors, 1999-2004

Stonewall Bar Association of Georgia, Board of Directors, 1999-2001

Georgia Center for Law in the Public Interest, Board Member, 1997-2001

Seattle City Light Citizens Environmental Committee, 1990-92

Lesbian and Gay Law Association of Puget Sound, co-founder, co-chair, liaison to Washington State Bar Association, 1991-1995

Human Rights Campaign Fund, Seattle Dinner co-chair, 1990.